

REMARKS

Claims 1, 3, 4, 10, 12, 13 and 19 have been amended, without prejudice or disclaimer. No new matter has been introduced. Support for the amended claims is found throughout the specification, claims, and drawings as originally filed. Nineteen (19) claims are pending and remain for consideration. Favorable reconsideration of the pending claims and further examination of the application is respectfully requested.

IN THE DRAWINGS

Applicants acknowledge the acceptance of drawing corrections filed on October 30, 2003.

IN THE CLAIMS

Claim Objections

Claims 3, 4, 12 and 13 were objected to because of informalities. In particular, claims 3 and 12 were improperly dependent on claims 1 and 10. Claims 3 and 12 have been amended, without prejudice or disclaimer, to properly depend from claims 2 and 11, respectively. These amendments were not to overcome a prior art. Claim 4 and 13 erroneously recited a spring, for which there was no antecedent basis. The claims were amended to properly recite a biasing element, for which there is antecedent basis. These amendments were not to overcome a prior art. No new matter has been introduced. Favorable reconsideration of the claims in this regard is respectfully requested.

35 U.S.C. § 102

Claims 1-5, 8, 10-13, 16 and 18 are rejected under 35 U.S.C. § 102, as anticipated by U.S. Patent No. 1,964,519, issued to Knudsen. This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

*Verdegaal Bros. v Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir.

1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the applicant's claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

The invention in claims 1 and 10 includes a biasing element connected relative to a base and a seat tray for biasing the seat tray *rearward* relative to the base. Knudsen shows and describes a biasing element (see the spring 34) but the biasing element is not connected relative to a base and a seat tray for biasing the seat tray *rearward* relative to the base. Instead, the biasing element of Knudsen is connected relative to a base and a seat tray for biasing the seat tray *forward* relative to the base. This distinction is important for at least the following reasons.

The seating system according to the present invention is structured to permits a vehicle user to tone. During toning, the user's muscles tense and the user straightens out (i.e., reclines back with feet extended forward). Toning most often occurs when the vehicle user does not have motor control. Consequently, the user cannot voluntarily return to a non-reclined position. The biasing element is connected relative to a base and a seat tray for biasing the seat tray *rearward* relative to the base to *return the vehicle user back to a non-reclined position*.

As shown by contrast in Figs. 1 and 7, and as described in lines 54-59, of the Knudsen, the base 26 is subject to forward and *upward* movement. As explained in lines 81-84, this movement is at least in part caused by the influence of the spring 34. Such an arrangement in the present invention would not *return the vehicle user back to a non-reclined position*, as does the biasing element in claims 1 and 10.

To this end Knudsen fails to show or describe, either expressly or inherently, each and every element as set forth in claims 1 and 10. Consequently, the rejection of these claims is improper and the claims should be allowable as written.

Claims 2-5, 11-13 and 18 depend from claims 1 and 10 and should be allowable for at least the same reason claims 1 and 10. In addition, claims 3, 12 and 18 recite a slide that limits movement of a seat tray to substantially horizontal movement. As

shown by contrast in Figs. 1 and 7, and as described in lines 54-59, of the Knudsen, the seat tray (i.e., base 26) of Knudsen is subject to forward and *upward* movement and thus is not limited to substantially horizontal movement, as set forth in claims 3, 12 and 18. Because of these additional features, claims 3, 12 and 18 should be allowable.

Favorable reconsideration of these claims in view of Knudsen is respectfully requested.

Claims 1-5, 8, 10-13, 16 and 18 are also rejected under 35 U.S.C. § 102, as anticipated by U.S. Patent No. 1,984,281, issued to Poggendorf. This rejection is respectfully traversed.

Claims 1 and 10 are directed to a personal mobility vehicle, which is describe in the specification as being a vehicle such as a wheelchair or stroller. Poggendorf shows and describes a chair, not a personally mobility vehicle. Since Poggendorf does not describe a personal mobility vehicle as set forth in the claims but rather describes a chair, the rejection of the claims in view of Poggendorf is improper and thus should be allowable as originally presented.

Although the claim as originally presented are believed to be allowable, the claims have been amended, without prejudice or disclaimer, to present the claims in better form for consideration. In particular, claims 1 and 10 have been amended so as to recite a base that is *mounted for movement on wheels*. The base (i.e., frame 10) described in Poggendorf is not *mounted for movement on wheels*.

To this end Poggendorf fails to show or describe, either expressly or inherently, each and every element as set forth in claims 1 and 10. Consequently, the claims should be allowable as amended.

Claims 2-5, 11-13 and 18 depend from claims 1 and 10 and should be allowable for at least the same reason claims 1 and 10. In addition, claims 3, 12 and 18 recite a slide that limits movement of a seat tray to substantially horizontal movement. As shown by contrast in Figs. 1 and 2, and as described lines 1-7, in col. 2, on page 1, of the Poggendorf, the seat tray (i.e., seat 16) of Poggendorf is subject to forward and

*vertical* movement and thus is not limited to substantially horizontal movement, as set forth in claims 3, 12 and 18. Because of these additional features, claims 3, 12 and 18 should be allowable. In addition, claims 4 and 13 have been amended to recite a biasing element that releases energy to automatically move an inner seat tray rearward *when a user relaxes*. In other words, exertion of force by the user is required to maintain the seat tray in a reclined position. Poggendorf, on the other hand, requires no exertion of force to maintain its chair in a reclined position (see lines 20-23, in col. 2, on page 1). The invention in claims 4 and 13 cannot be practiced by the structure of shown and described in Poggendorf. Because of these additional features, claims 4 and 13 should be allowable.

Favorable reconsideration of these claims in view of Poggendorf is respectfully requested.

35 U.S.C. § 103

Claims 6, 7, 9, 15, 15, 17 and 19 are rejected under 35 U.S.C. § 103, as being unpatentable over Knudsen in view of U.S. Patent No. 327,775, issued to Dodge. This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation to modify the reference or to combine reference teachings. In *re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In *re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Claims 6, 7, 9, 15, 15 and 17 depend from claims 1 and 10 and should be allowable over Knudsen for at least the same reasons a claims 1 and 10, as set forth above. Claim 19 includes a biasing element connected relative to the base and the seat tray for biasing the seat tray *rearward* relative to the base, similar to claims 1 and 10 and as a consequence is likewise believed to allowable over Knudsen for at least the same reasons a claims 1 and 10, as set forth above.

Dodge fails to cure the deficiencies in claims 1 and 10 and thus is believed to remain allowable over Knudsen in view of Dodge. In addition, there is no suggestion in Knudsen that the invention of Knudsen can employ a lock, as taught by Dodge. Similarly, there is no suggestion in Dodge that the invention of Dodge can employ a spring, as taught by Knudsen. Without some motivation to combine the teachings of Knudsen and Dodge, the rejection is improper.

In view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.